

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DOLORES LOZANO, Plaintiff, v. BAYLOR UNIVERSITY; ART BRILES; IAN MCCAWE, <i>Defendant.</i>	Civil Action No. 6:16-CV-00403-RP
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**DEFENDANT BAYLOR UNIVERSITY'S
PROPOSED VOIR DIRE QUESTIONS AND
REQUEST TO CONDUCT SUPPLEMENTAL JURY PANEL EXAMINATION**

TO THE HONORABLE JUDGE ROBERT PITMAN:

Pursuant to Local Rule CV-16(f), Defendant Baylor University proposes that the Court ask the following questions during examination of the jury panel.

In addition, as the Court is well aware, this lawsuit involves allegations and issues of a highly sensitive nature that are likely to evoke strong emotional reactions by members of the jury panel. Likewise, due to heightened national and local media coverage of issues raised in the lawsuit, it is further likely that the jury panel may have already heard of and formed fixed opinions about those issues or the parties generally. As a result, Baylor respectfully requests that the Court grant counsel the opportunity and sufficient time to supplement the Court's examination of the panel with additional or follow-up questions related to the questions outlined below as may be appropriate to fully ferret out any actual bias by prospective jurors. *See* FED. R. CIV. P. 47(a); *United States v. Rowe*, 106 F.3d 1226, 1227–28 (5th Cir. 1997) (“a trial judge who chooses to conduct all the examination personally has ‘a serious duty’ to ferret out actual bias”); *United States v. Ledee*, 549 F.2d 990, 993 (5th Cir. 1977) (“However, we must acknowledge that voir dire examination in both civil and criminal cases has little meaning if it is not conducted by counsel for the parties.”). Moreover, because of the sensitive nature

of a number of the questions proposed, Baylor respectfully requests that, as appropriate, the Court instruct the jury that should they prefer to respond in private, they are invited to approach the bench to provide their response.

Finally, Baylor acknowledges the Court's recent order for the parties to confer and agree on a supplemental jury questionnaire to be submitted by September 19, 2023. Since the parties have yet to agree on the form and content of that questionnaire, it is possible that some of the questions outlined below may ultimately be made part of that questionnaire, which may obviate the need to ask certain of the proposed questions below during voir dire.

PROPOSED VOIR DIRE QUESTIONS

1. Have you, any of your family, or close friends ever had any kind of negative experience with Baylor University?
2. Have you, any of your family, or close friends ever applied for employment with Baylor University and not been hired?
3. Have you or any of your family members ever had a legal dispute or business dispute with Baylor University?
4. Does anyone here believe they, a family member, or close friend has been a victim of any kind of wrongdoing by Baylor University?
5. Have you, a family member, or a close friend ever been a victim of domestic violence, dating violence, or sexual misconduct?
6. Has anyone here experienced sex discrimination while in school or at work?
7. Do you have any experience in domestic violence or sexual violence support, counseling or therapy?
8. Do you have any experience in developing, interpreting or enforcing workplace rules or policies?
9. In a legal dispute between a university and a student, would you find yourself leaning toward the student's side?
10. Does anyone tend to believe that universities spend too much time and money on football and other sports programs?
11. Does anyone here strongly believe that college athletes always receive preferential treatment when it comes to discipline for bad behavior?

12. Have you ever heard about or read negative media articles about Baylor University?
 - a. Do you hold a negative opinion of Baylor University based on information you have read or heard in the media?
13. Are any of you familiar with or have you heard about allegations of misconduct by Baylor University football players or athletes, including allegations of domestic violence or sexual misconduct?
 - a. Based on what you have heard, have you formed a negative opinion of Baylor University or its athletic program?
14. Does anyone have strong opinions or views about Baylor University or its Athletics Department or athletic teams that would make it difficult to sit as a fair and impartial juror?
 - a. If so, please explain.
15. Do you have any negative feelings toward Baylor University because it is a religiously affiliated university?
16. Would the fact that Baylor University is a large private institution, while Ms. Lozano is an individual, lead you to favor Ms. Lozano from the start?
17. Does anyone believe a woman is more likely to tell the truth regarding allegations of dating violence?
 - a. Because of this belief, would you tend to believe a woman alleging dating violence regardless of what the evidence shows?
18. In January 2023, Ms. Lozano was elected to serve as a justice of the peace in Harris County. Does anyone believe that Ms. Lozano's testimony in this case should be given greater weight or credibility because she is a justice of the peace?
19. Art Briles is a defendant in this case. Are you, any of your family, or close friends familiar with Art Briles?
20. Ian McCaw is a defendant in this case. Are you, any of your family, or close friends familiar with Ian McCaw?
21. The Plaintiff in this case is Dolores Lozano. Are you, any of your family, or close friends familiar with Ms. Lozano or her family?
22. Devin Chafin is a former Baylor University student who played on the football team. Are you, any of your family, or close friends familiar with Mr. Chafin or his family?
23. The attorneys representing Ms. Lozano are Sheila Haddock, Alex Zalkin, and Irwin Zalkin of the Zalkin Law Firm in San Diego, California and Zeke Fortenberry in Dallas. Are you, any of your family, or close friends familiar with these lawyers or their law firms?

24. The attorneys representing Baylor University in this lawsuit are Lisa Brown, Adam Rothery, Holly McIntush, and Leila Henderson Gary of the law firm of Thompson & Horton LLP and Julie Springer of the law firm Weisbart Springer Hayes, LLP in Austin. Are you, any of your family, or close friends familiar with Lisa Brown, Adam Rothery, Holly McIntush, Leila Henderson Gary, or Julie Springer, or their law firms?
25. Is anyone familiar with the following people, who may appear as witnesses in the case?
- a. [list parties' witnesses on witness lists]
 - b. If so, please explain.
26. Have you, any of your family, or close friends been employed by any law firm or court system?
- a. If so, please describe.
27. Do any of you have any courtroom experience as a witness, or any other participant at trial?
- a. If so, please describe.
28. Do any of you have any other experience giving testimony under oath?
- a. If so, please describe.
29. Have you, a family member, or a close friend ever been a plaintiff in a civil lawsuit?
30. Have you ever served on a jury?
31. This trial is expected to last 10 working days. Is there anyone who might have a physical or medical issue that would make it difficult for them to sit and listen to testimony for that length of time?
32. Is there anyone who has difficulty hearing, seeing, or understanding the English language?
33. Does anyone know of any reason whatsoever why they cannot be a fair and impartial juror in this case?
34. Is there any question that has been asked that you have not answered or felt reluctant to answer fully because you would prefer to discuss your answer in private without the entire panel being able to hear your response?

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served upon opposing counsel on September 15, 2023, via the Court's ECF/CMF electronic filing and service system as follows:

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